

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

**NATIONAL RAILROAD PASSENGER
CORPORATION et al,**

Plaintiffs,

v.

Case No: 2:22-cv-00037-NAB

MS CONTRACTING LLC,

Defendants.

MOTION TO SHORTEN TIME ON HEARING

COMES NOW Defendant, MS Contracting LLC, by and through their attorneys of record, McCausland Barrett & Bartalos P.C., and requests this Court to schedule an expedited hearing on Defendant's Motion to Stay Litigation Proceedings Pending NTSB Investigation and allow a hearing to be held prior to July 22, 2022, pursuant to Local Rule 1.05 and Federal Rule of Civil Procedure 6. In support of its Motion, Defendant states as follows:

1. Plaintiffs filed the Complaint underlying this action on June 30, 2022.
2. This Complaint is based on a train/truck collision wherein an Amtrak train collided with a truck operated by MS Contracting LLC at a BSNF grade crossing located near Mendon, Missouri, on June 27, 2022. Due to the nature of the incident, the National Transportation Safety Board ("NTSB") immediately undertook an investigation.
3. Defendant has filed a Motion to Stay Litigation Proceedings Pending NTSB Investigation because Defendant is a party to the NTSB's investigation and, as a result, is specifically prohibited from the release of information obtained during the investigation.
4. Defendant's Answer is currently due on July 22, 2022.

5. A ruling on Defendant's Motion to Stay Litigation Proceedings prior to the Answer's due date would prohibit the release of protected information.

WHEREFORE, Defendant, MS Contacting LLC, requests this Court to schedule an expedited hearing on Defendant's Motion to Stay Litigation Proceedings Pending NTSB Investigation and allow a hearing to be held prior to July 22, 2022, pursuant to Local Rule 1.05 and Federal Rule of Civil Procedure 6.

McCAUSLAND BARRETT & BARTALOS P.C.

/s/ Clinton S. Turley

Todd C. Barrett	MO #40032
Mark D. Chuning	MO #43685
Clinton S. Turley	MO #66898
Bailey M. Schamel	MO #72111

9233 Ward Parkway, Suite 270
Kansas City, Missouri 64114
(816) 523-3000/FAX (816) 523-1588
tbarrett@mbblawfirmkc.com
mchuning@mbblawfirmkc.com
ATTORNEYS FOR DEFENDANT

I hereby certify that a copy of the above and foregoing was emailed through the Court's efilings system this 15th day of July, 2022 to:

Sean P. Hamer
SCHARNHORST AST PC – Kansas City
1100 Walnut Street
Suite 1950
Kansas City, Missouri 64106
816-268-9400
816-268-9409 (fax)
shamer@sakg.com
ATTORNEY FOR PLAINTIFF

/s/ Clinton S. Turley

Clinton S. Turley
For the Firm